

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERT L. HALL,

Petitioner,

vs.

OKLAHOMA CRIMINAL COURT  
OF APPEALS, STATE OF  
OKLAHOMA

Respondents.

NO. CIV-05-1452-HE

**ORDER**

Petitioner Robert L. Hall filed a pleading entitled “Motion for Relief from the Judgment.” The motion, with its multiple attachments, names the Oklahoma Criminal Court of Appeals and the State of Oklahoma as respondents. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Bana Roberts, who recommends in her Report and Recommendation that the action be dismissed for lack of subject matter jurisdiction.


The court agrees with the magistrate judge that the petitioner has failed to allege a basis for jurisdiction in his motion and that the court does not have appellate jurisdiction over the Oklahoma courts or authority to issue a writ of mandamus directing state courts to act.<sup>1</sup> The petitioner, having failed to object to the Report and Recommendation, also waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996), *cert. denied*, 519 U.S. 909 (1996). See 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a).

Accordingly, the court adopts Magistrate Judge Roberts’ Report and Recommendation and dismisses this action for lack of jurisdiction.

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<sup>1</sup>*In his motion the petitioner asks the court to order the Grady County District Court and/or the Oklahoma Court of Criminal Appeals to take certain action.*

IT IS SO ORDERED this 17<sup>th</sup> day of February, 2006.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE